Mirror Worlds, LLC v. Apple, Inc. Doc

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

MIRROR WORLDS, LLC

Plaintiff,

v.

APPLE, INC.

Defendant.

Civil Action No. 6:08-CV-88 LED

JURY TRIAL DEMANDED

PLAINTIFF'S REPLY TO DEFENDANT APPLE INC.'S COUNTERCLAIMS

Plaintiff Mirror Worlds, LLC ("Mirror Worlds") replies to the Counterclaims of Defendant Apple, Inc. ("Apple"). Paragraphs 41-81, below, correspond to the paragraph numbers of the allegations in Apple's Counterclaims to which they respond:

41. Admits the allegations of paragraph 41 of Apple's Counterclaims, upon information and belief.

42. Admits the allegations of paragraph 42 of Apple's Counterclaims.

43. Admits the allegations of paragraph 43 of Apple's Counterclaims.

44. Admits the allegations of paragraph 44 of Apple's Counterclaims.

45. Admits the allegations of paragraph 45 of Apple's Counterclaims.

COUNT ONE - UNITED STATES PATENT NO. 6,006,227

46. Admits the allegations of paragraph 46 of Apple's Counterclaims.

Docket

A. Declaration of Alleged Noninfringement

47. Admits that Apple purports to reallege and incorporate by reference the allegations set forth in paragraphs 1-46 of Apple's Answer, Affirmative Defenses, and Counterclaims. Except as so admitted, Mirror Worlds denies the allegations of paragraph 47 of Apple's Counterclaims.

48. Admits that an actual and justiciable controversy exists between Mirror Worlds and Apple with respect to the '227 patent, admits that Mirror Worlds has brought the present action against Apple alleging that Apple infringes the '227 patent, and that Apple denies that allegation. Except as so admitted, Mirror Worlds denies the allegations of paragraph 48 of Apple's Counterclaims.

49. Denies the allegations of paragraph 49 of Apple's Counterclaims.

50. Denies the allegations of paragraph 50 of Apple's Counterclaims.

B. Declaration of Alleged Invalidity

51. Admits that Apple purports to reallege and incorporate by reference the allegations set forth in paragraphs 1-50 of Apple's Answer, Affirmative Defenses, and Counterclaims. Except as so admitted, Mirror Worlds denies the allegations of paragraph 51 of Apple's Counterclaims.

52. Admits that an actual and justiciable controversy exists between Mirror Worlds and Apple with respect to the '227 patent, admits that Mirror Worlds has brought the present action against Apple alleging that Apple infringes the '227 patent, and that Apple denies that allegation. Except as so admitted, Mirror Worlds denies the allegations of paragraph 52 of Apple's Counterclaims.

53. Denies the allegations of paragraph 53 of Apple's Counterclaims.

54. Denies the allegations of paragraph 54 of Apple's Counterclaims.

COUNT TWO - UNITED STATES PATENT NO. 6,638,313

55. Admits the allegations of paragraph 55 of Apple's Counterclaim.

A. Declaration of Alleged Noninfringement

56. Admits that Apple purports to reallege and incorporate by reference the allegations set forth in paragraphs 1-55 of Apple's Answer, Affirmative Defenses, and Counterclaims. Except as so admitted, Mirror Worlds denies the allegations of paragraph 56 of Apple's Counterclaims.

57. Admits that an actual and justiciable controversy exists between Mirror Worlds and Apple with respect to the '313 patent, admits that Mirror Worlds has brought the present action against Apple alleging that Apple infringes the '313 patent, and that Apple denies that allegation. Except as so admitted, Mirror Worlds denies the allegations of paragraph 57 of Apple's Counterclaims.

58. Denies the allegations of paragraph 58 of Apple's Counterclaims.

59. Denies the allegations of paragraph 59 of Apple's Counterclaims.

B. Declaration of Alleged Invalidity

60. Admits that Apple purports to reallege and incorporate by reference the allegations set forth in paragraphs 1-59 of Apple's Answer, Affirmative Defenses, and Counterclaims. Except as so admitted, Mirror Worlds denies the allegations of paragraph 60 of Apple's Counterclaims.

61. Admits that an actual and justiciable controversy exists between Mirror Worlds and Apple with respect to the '313 patent, admits that Mirror Worlds has brought the present action against Apple alleging that Apple infringes the '313 patent, and that Apple denies that

allegation. Except as so admitted, Mirror Worlds denies the allegations of paragraph 61 of Apple's Counterclaims.

62. Denies the allegations of paragraph 62 of Apple's Counterclaims.

63. Denies the allegations of paragraph 63 of Apple's Counterclaims.

COUNT THREE - UNITED STATES PATENT NO. 6,725,427

64. Admits the allegations of paragraph 64 of Apple's Counterclaims.

A. Declaration of Alleged Noninfringement

65. Admits that Apple purports to reallege and incorporate by reference the allegations set forth in paragraphs 1-64 of Apple's Answer, Affirmative Defenses, and Counterclaims. Except as so admitted, Mirror Worlds denies the allegations of paragraph 65 of Apple's Counterclaims.

66. Admits that an actual and justiciable controversy exists between Mirror Worlds and Apple with respect to the '427 patent, admits that Mirror Worlds has brought the present action against Apple alleging that Apple infringes the '427 patent, and that Apple denies that allegation. Except as so admitted, Mirror Worlds denies the allegations of paragraph 66 of Apple's Counterclaims.

67. Denies the allegations of paragraph 67 of Apple's Counterclaims.

68. Denies the allegations of paragraph 68 of Apple's Counterclaims.

B. Declaration of Alleged Invalidity

69. Admits that Apple purports to reallege and incorporate by reference the allegations set forth in paragraphs 1-68 of Apple's Answer, Affirmative Defenses, and Counterclaims. Except as so admitted, Mirror Worlds denies the allegations of paragraph 69 of Apple's Counterclaims.

70. Admits that an actual and justiciable controversy exists between Mirror Worlds and Apple with respect to the ’427 patent, admits that Mirror Worlds has brought the present action against Apple alleging that Apple infringes the ’427 patent, and that Apple denies that allegation. Except as so admitted, Mirror Worlds denies the allegations of paragraph 70 of Apple’s Counterclaims.

71. Denies the allegations of paragraph 71 of Apple’s Counterclaims.

72. Denies the allegations of paragraph 72 of Apple’s Counterclaims.

COUNT FOUR - UNITED STATES PATENT NO. 6,768,999

73. Admits the allegations of paragraph 73 of Apple’s Counterclaims.

A. Declaration of Alleged Noninfringement

74. Admits that Apple purports to reallege and incorporate by reference the allegations set forth in paragraphs 1-73 of Apple’s Answer, Affirmative Defenses, and Counterclaims. Except as so admitted, Mirror Worlds denies the allegations of paragraph 74 of Apple’s Counterclaims.

75. Admits that an actual and justiciable controversy exists between Mirror Worlds and Apple with respect to the ’999 patent, admits that Mirror Worlds has brought the present action against Apple alleging that Apple infringes the ’999 patent, and that Apple denies that allegation. Except as so admitted, Mirror Worlds denies the allegations of paragraph 75 of Apple’s Counterclaims.

76. Denies the allegations of paragraph 76 of Apple’s Counterclaims.

77. Denies the allegations of paragraph 77 of Apple’s Counterclaims.

B. Declaration of Alleged Invalidity

78. Admits that Apple purports to reallege and incorporate by reference the allegations set forth in paragraphs 1-77 of Apple's Answer, Affirmative Defenses, and Counterclaims. Except as so admitted, Mirror Worlds denies the allegations of paragraph 78 of Apple's Counterclaims.

79. Admits that an actual and justiciable controversy exists between Mirror Worlds and Apple with respect to the '999 patent, admits that Mirror Worlds has brought the action against Apple alleging that Apple infringes the '999 patent, and that Apple denies that allegation. Except as so admitted, Mirror Worlds denies the allegations of paragraph 79 of Apple's Counterclaims.

80. Denies the allegations of paragraph 80 of Apple's Counterclaims.

81. Denies the allegations of paragraph 81 of Apple's Counterclaims.

APPLE'S PRAYER FOR RELIEF

To the extent necessary, Mirror Worlds denies that Apple is entitled to any of the relief requested in its prayer for relief. In addition, to the extent necessary, Mirror Worlds denies any allegation in Apple's Counterclaims not specifically admitted above, and Mirror Worlds re-alleges infringement, enforceability, validity and its damages, and denies any allegations in Apple's Counterclaims adverse to same.

AFFIRMATIVE DEFENSES

Apple's Counterclaims fail to state a claim for which relief may be granted.

MIRROR WORLDS'S PRAYER FOR RELIEF

Wherefore, Mirror Worlds prays that the Court:

1. Dismiss Apple's Counterclaims in their entirety with prejudice;

2. Award Mirror Worlds the relief sought in its Original Complaint; and

3. Award Mirror Worlds such other and further relief as the Court may deem just and proper.

Dated: June 10, 2008

Respectfully submitted,

BY: /s/ Otis Carroll____________________
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ATTORNEYS FOR PLAINTIFF,
MIRROR WORLDS, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by facsimile transmission and/or first class mail this 10th day of June, 2008.

/s/ Otis Carroll______________________